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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/429,963

03/21/00

RODRIGUEZ

G

91362

HM22/0615

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EXAMINER

BOLDENBERG, J

ART UNIT

PAPER NUMBER

1614

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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JUN 18 2001

DOCKETING
RESPONSE Due 7/15/01/EXT 6M.

Office Action Summary

Application No.

09/528,963

Applicant(s)

Rodriguez

Examiner

Jerome D. Goldberg

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 23, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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Claim 1 is directed to a method of formulating a regimen for preventing epithelial ovarian cancer employing an agent based on its ability to upregulate TGF-B expression in the ovarian epithelial. Applicant on page 13, lines 17-21 state that "these products could include progestins, estrogens, androgens, androgen antagonists, progestin antagonists, estrogen antagonists, or other agents including those selected from the group consisting of retinoids, dietary flavanoids, anti-inflammatory drugs, monoterpenes, S-adenosyl-L- methionine, selenium and vitamin D compounds". Applicant is, therefore, required to elect a single compound (agent) for examination on the merits and to add a claim to said compound.

The several inventions above are independent and distinct, each from the other, as they have acquired a separate status in the art as a separate subject matter for inventive effect and require independent searches. It is noted that a reference to one compound (agent) would not be a reference to another compound (agent) under 35 U.S.C. 103. Further, the claims read on a multitude of agents which would require many field of searches that would be an undue burden on the Examiner. Therefore, restriction for examination purposes is proper.

Applicants is required to make a provisional election even though this requirement is traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner J. D. Goldberg whose telephone number is (703) 308-4606. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 3:00 p.m.

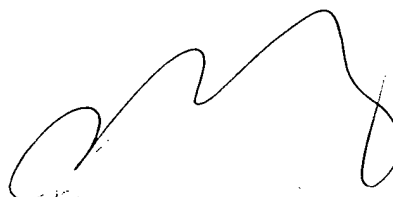
Art Unit: 1614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Cintins, can be reached on (703) 308-4725. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556 or 305-3592.

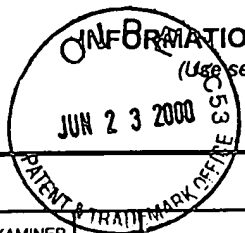
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

J. Goldberg:jmr

May 31, 2001



JER
PH
US. OF 1230



ATTY DOCKET NO. 31	SERIAL NO. 09/528,963
APPLICANT(S) Gustavo C. Rodriguez	
FILING DATE March 21, 2000	GROUP 1614

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
A1	4,757,061	07/12/88	Faustini, F. et al.	514	177	02/10/86
A2	4,760,053	07/26/88	Labrie, F.	514	15	07/31/86
A3	4,808,578	02/28/89	Faustini, F. et al.	514	177	12/15/86
A4	4,808,616				177	07/07/86
A5	4,814,327				179	07/24/87
A6	4,840,943				177	06/14/87
A7	4,870,069				179	01/25/88
A8	4,904,650				177	07/26/88
A9	4,954,790				164	11/15/89
A10	5,006,518				179	12/30/88
A11	5,081,114				177	12/24/90

No
COPIES
OF

	DOCUMENT NUMBER
B1	WO 98/10771
B2	WO 95/26730
B3	0 253 607 A1
B4	0 253 607 B1
B5	0 628 312 A1

REFERENCES
PRESENTED

SUBCLASS	TRANSLATION	
	YES	NO

OTHER			

etc.)
RECEIVED
JUL 26 2001
TECH CENTER 1600/2000

EXAMINER 	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.